

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MICHAEL RAMOS,

Plaintiff,

v.

Case No. 10-C-847

ROGER WALKER, et al.,

Defendants.

ORDER

This case is laboring under a number of procedural disputes that require resolution. Defendants move to dismiss any claims against the Milwaukee Police Department on the grounds that it is not a suable entity and that it never received a copy of the amended complaint against it. This Court has already addressed the first issue. I agreed that the Department itself is not a suable “person” under § 1983 (in fact, I dismissed it as a party before without hearing from the Defendants) but eventually construed the claim as being brought against the City of Milwaukee itself. So construed, the claim is proper. Further, Defendants’ counsel has filed a waiver of service and has appeared in this case since December 2010. If the assertion is that somehow her client has not been served with the proper complaint, that seems a highly technical objection given that this is a *pro se* action (meaning that agents of the federal government attempt to serve the defendants at taxpayer expense) and that the complaints are readily accessible through the Court’s electronic filing system. But it is not clear from the motion whether that is the City’s objection. The motion to dismiss will therefore be denied, although it may be clarified that the Milwaukee Police Department is not itself

a defendant in this action. The caption will reflect that the City of Milwaukee is the proper defendant.

Plaintiff also moves for an extension of time in which to conduct discovery, particularly in regard to his claim against the City, which he asserts will require inquiry into policies and practices. His request is a reasonable one, as he seeks three additional months, which is not unusual in civil litigation. He also requests an extension of one week in which to respond to the pending motion for partial summary judgment. That motion will also be granted.

In sum, the motion to dismiss is **DENIED**, but the caption will reflect that the City of Milwaukee is the proper defendant rather than the Milwaukee Police Department. The motion for a discovery extension is **GRANTED**. Discovery may continue until September 20, 2011. Motions will be due by October 20, 2011. The motion for an extension is also **GRANTED**. Plaintiff may have until July 15 in which to respond to the motion for partial summary judgment.

SO ORDERED this 28th day of June, 2011.

s/ William C. Griesbach
William C. Griesbach
United States District Judge